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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,077	11/07/2001	Takao Murakami	06753.0480	4727

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EXAMINER

DUVERNE, JEAN F

ART UNIT PAPER NUMBER

2839

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,077

Applicant(s)

MURAKAMI ET AL.

Examiner

Jean F. Duverne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 5, 6-7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson et al (US patent 4,351,582).

Emerson's device discloses a wire connecting connector comprising a first connecting body (41) having a protruding male terminal at A2 (see attachment), a second connecting body at 58 fitted to the first connecting body, the second connecting body having a protruding female terminal at 62 configured to receive the protruding male terminal (A2: see attachment) with a conducting wire connecting portion on the base end, the conducting wire or cable connecting portion (61: see col. 4, lines 5-64) configured to grip a conductive wire. However, Emerson's device fails to explicitly disclose the female terminal with the fork shape and the tip at the base end. Nevertheless, the male terminal has the fork shape at 66, 67, 68 and the tip at the base end and an acute angle at the tip end configured to grip a connecting wire, and a terminal receptor placed between the tip end and the base configured to receive the protruding male terminal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the fork shape at male terminal with the tip at the base end and the acute angle at the tip end configured to grip a connecting

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wire instead of the female terminal, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art, *In re Einstein*, 8 USPTO 167.

2. Claims 2-4, 8-9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson (US patent 4,351,582) in view of Daoud et al (US patent 6,123,566).

In regard to claims 2, 4, 11, and 13, Emmerson's device discloses the aforementioned limitations, but fails to explicitly disclose the engagement and disengagement means with rotational features for holding together the first and second connecting member. Daoud's device discloses the engagement and the disengagement means at 16, 38 with rotational features for holding together the first and second connecting member and the hole to receive to receive the projection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the engagement and disengagement means with retaining hole, rotational features for holding together the first and second connecting member such as the one discloses in Daoud's device for improving the interconnection in Emerson's structure.

In regard to claims 3, and 12, Emmerson's device discloses the aforementioned limitations, but fails to explicitly disclose the positioning means. Daoud's device discloses the engagement and the disengagement means at 16, 38: at the engagement position defining the end of the rotation and at the disengagement defining the beginning of rotation (see figs. 3, 4). The disengagement serves as the positioning means for determining the rotating position between the first and the second connector. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the position means such as the one discloses in Daoud's

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device for improving the interconnection in Emerson's structure by controlling the rotating phases of the connecting bodies (first and second connecting bodies).

Response to Amendment

3. Applicant's amendment/arguments with respect to the claims 2-13 have been considered but they are not persuasive. The claims do not define "structural features" that distinguish over prior art (see the above rejection). The examiner disagrees with the applicant's statement of the prima facie case of obviousness. The examiner used case laws and additional references to support the action taken. Nevertheless, the examiner recognizes that the references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of the primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification must be expressly articulated. The test for combining references is what the combination of the disclosures taken as whole would suggest to one skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one skill in the art, rather than by their specific disclosure. In re Bozek, 163 USPQ 545 (CCPA) 1969.

Conclusion

Allowable Subject Matter

4. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art fails to disclose the conducting wire having the configuration such that the distance between and the conducting wire connecting portion is wider than the distance between the prongs at the receptor with rest the claims limitations.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean F. Duverne whose telephone number is (703) 872-9306. The examiner can normally be reached on 9:00-7:30, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (703) 308-2710. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JFD

11/15/2003



Jean Frantz Duverne
Primary Examiner
Art Unit 2839